

1 **SCOTT N. TISEVICH, ESQ.**

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6 *Attorney for Creditor*

7 *Car Loans Nevada, LLC*

Electronically Filed: July 21, 2017

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10 **UNITED STATES BANKRUPTCY COURT**
11 **FOR THE DISTRICT OF NEVADA**

12 **IN RE:**

13 ASHLEIGH LYNN EASLEY,
14 **Debtor**

Case No: BK-N 17-50018-btb
Chapter 13

Cont'd Hearing Date: 7/31/2017
Time: 10:00 AM

AFFIDAVIT of
JOHN BLACKWELL

15 _____ /
16 Comes Now JOHN BLACKWELL, on behalf of the Creditor CAR LOANS NEVADA,
17 LLC., who hereby deposes and states under penalty of perjury the following:

18 1. That he is employed by the Reno office of CAR LOANS NEVADA, LLC (the
19 "Company"), and has been its Borrower Relations Manager since approximately February 28,
20 2017. Prior to that date, he was employed by the Company as a Borrower Relation Team Member
21 since 2015.

22 2. That in his position, he customarily prepares documents related to the company's
23 secured loan transactions.

24 3. That his duties with Company include initiating and maintaining records to support
25 orders for repossession of collateral when a borrower fails to make payments on one of the
26 Company's loans.

27 4. That his duties also include maintaining records of borrowers' bankruptcy filings.

28 5. That he is the person at the Company is likely to be the most knowledgeable about
matters involving defaulted loans, repossessions and bankruptcy matters.

6. That on or about January 12, 2017 he received notice of a new bankruptcy filing by one
of the Company's customers, ASHLEIGH L. EASLEY.

1 7. According to the Company's files concerning this Debtor, on or about January 18, 2017,
2 Anthony Moran, who was the Company's Borrower Relations Manager at that time, the Company
3 filed a Proof of Claim form documenting a loan in the original principal balance \$8,545.80, dated
4 September 9, 2014 which was secured by a certain 2006 Honda Civic purchased by the Debtor from
5 Pro Tech Auto Sales.

6 8. The Company's records also show that in the 27 months since the inception of the loan,
7 the Debtor had made only 4 payments (and that she had filed a previous Chapter 13 case on
8 February 20, 2015). After the bankruptcy was filed, the Company received 2 payments \$250.00
9 and \$269 (on June 3, 2016 and September 9, 2016, respectively).

10 9. That he replaced Anthony Moran and assumed all his responsibilities on or about March
11 1, 2017.

12 10. That he place the contract for repossession with RAPID RECOVERY INC., on April
13 5, 2017, and informed them that the Debtor had filed bankruptcy, but that he believed that the
14 automatic stay had been lifted.

15 11. That he was present in CAR LOANS's Reno office from 9:00AM to 6:00 PM on April
16 5, 2017; and that he spoke to the office manager of RAPID RECOVERY (Becky) several times
17 during that day.

18 12. That at no time during April 5, 2017 did he speak to anyone at RAPID RECOVERY
19 concerning the ASHLEIGH L. EASLEY matter.

20 13. On April 6, 2017, the Company received an email from Becky at RAPID RECOVERY
21 confirming the repossession of the Debtor's Honda Civic.

22 14. On Monday, April 10, 2017, the owner of RAPID RECOVERY (William Artemis)
23 called our office and notified the Company there was a hearing scheduled for April 12, 2017 in
24 connection with the alleged violation of the automatic stay in connection with the pick up of
25 Debtor's vehicle.

26 15. At that time, since the 2017 case was the Debtor's second bankruptcy filing, I believed
27 that the automatic stay had automatically expired after 30 days.

28 16. I called Mr. Artemis back that afternoon, and discussed Ms. EASLEY's motion.

 17. I received the hard copy of Ms. EASLEY's motion on the afternoon of Tuesday,
April 11, 2017.

1 18. I attended the hearing at bankruptcy court on April 12, 2017. At the hearing, I stated
 2 my name for the record. (However, upon review of the hearing transcript with my attorney this
 3 morning, I see that I was mis-identified by the court reporter as "JOHN GRIGGS." My
 4 Company's Operations Director, BARBARA MEARSE was similarly mis-identified as
 5 "BARBARA GRIGGS").

6 19. At the April 12th hearing, we immediately conceded that the Company had notice of the
 7 bankruptcy case and that there had not been a request for relief from stay. We readily agreed to the
 8 return of the Debtor's vehicle from RAPID RECOVERY's lot.

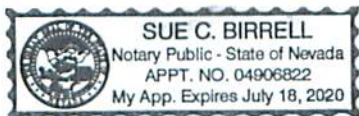
9
 10 Dated this July 17, 2017.

11 JOHN BLACKWELL

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 13
 14 Borrower Relations Manager,
 15 for Car Loans Nevada LLC

16
 17 State of Nevada)
 18 County of Washoe) cc.

19
 20 On this July 17, 2017, the above-named JOHN BLACKWELL appeared before me, a Notary
 21 Public, and upon presentation of satisfactory identification, hereby deposed and stated under penalty
 22 of perjury that he has read the foregoing Affidavit, and that he swears that the statements contained
 23 herein are true correct and complete except as to such matters as are stated to have been made upon
 24 information and belief, and as to such matters, that he believes them to be true; and that he has
 25 executed his signature above in the space provided for that purpose.




 NOTARY PUBLIC

CERTIFICATE OF SERVICE BY MAIL

Pursuant to FRBP 7005 and FRCP 5(b), I certify that on the 21st day of July, 2017, I caused to be served a true and correct copy of Affidavit of John Blackwell in Support of Creditor Car Loans LLC Supplementary Opposition to Motion for Contempt to all interested parties on the ECF System and the following persons served by US Postal Service with postage prepaid as indicated below:

 X By Notice of Electronic Filing: through Electronic Case filing System of the United States Bankruptcy Court, District of Nevada, to the individuals and/or entities at their email addresses as set forth below:

CHRISTOPHER P. BURKE, ESQ Attyburke@charter.net

WILLIAM A. VAN METER c13ecf@nvgbell.net, wvanmeter13@ecf.epiqsystems.com

_____ Personal Delivery: by placing the document listed above in a sealed envelope with postage prepaid in the United States mail at Reno, Nevada and addressed as set forth below:

Dated this 21st day of July, 2017.


/s/ Sue C. Birrell

Sue C. Birrell

Legal Assistant to Scott N. Tisevich, Esq.